

### REMARKS

The Examiner's Action of May 30, 2007 is noted in which the claims are variously rejected under 35 USC 102(e) and 35 USC 103, respectively based on the Hess et al. patent and the Hoyos et al. publication, as well as being rejected under 35 USC 103 over Hess et al. in view of Burkley et al. and Hess et al. in view of Hoffberg et al.

Applicant has amended the independent claims to state that there is a database that is structured in accordance with Figures 1 and 2 of the subject case and in which the hypothetical vision parameters come from vision parameters that exist in the database. Note that the database is organized in an ordered fashion. This provides the targeted search that is the claimed subject matter of U.S. Patent No. 6,393,417, with the ordering of the fingerprint as illustrated in Figure 5 of the subject Patent Application.

With respect to the Hess et al. patent, it will be appreciated that Hess et al.'s thumbnails are derived from the Web and not from a database structured as claimed. Thus the Hess et al. system does not have the inherent order and character of a pre-populated database and in which the fingerprint that accesses the database has stored within the database certain graphics or hypothetical vision parameters in which there is a correlation between the parameter and the visual representation of the parameter.

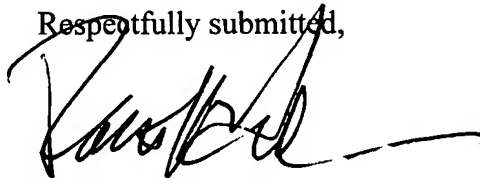
In short, taking thumbnails from the Web does not present the user with the vision parameters from the database. Thus the 35 USC 102 rejection will not lie.

Likewise the rejection of the claims on an obviousness basis based on the above-noted patents will not lie.

It is noted that Claim 16 is rejected as being anticipated by the Hoyos et al. reference. However, in Hoyos et al., Figure 6, Block 606 and in Figure 7, Block 710, in no way involve or teach the claimed structured database from which visual fingerprint queries are derived.

In view of the above Amendment, allowance of the claims and issuance of the case are therefore earnestly solicited.

Respectfully submitted,



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